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*ALSO ADMITTED IN NEW YORK

Friday, January 07, 2005

Via: First Class Mail

Cathy, Deputy Clerk
United States District Court
For the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Boston 02210

Re: Falken Industries and Roy Janis v. Patrick Sautin and Christian Johansen
Docket No. 04-12479 MEL

Dear Sir or Madam:

Enclosed please find an original Essex Superior Court Summons with the original Return of Service for the Defendant, Patrick Sautin. Please note that we are filing the Essex Superior Court Summons in the Federal District Court due to the circumstances of this above referenced matter. The circumstances are such that this case was originally filed in the Essex Superior Court and the Defendants removed it to the United States District Court for the District of Massachusetts while our office was in the midst of serving the defendants in accordance with the Hague Convention. The Defendants reside in France and Norway respectively.


I wanted to note to you that the Plaintiffs, our clients, have a Request to Remand back to the Superior Court currently pending. Therefore, in accordance with my conversation with the Deputy Clerk, Cathy, on December 29th, 2004, I am filing the Essex Superior Summons with Return of Service with the United States District Court. If there are any questions or necessary clarifications, please contact our office.

Thank you for your assistance in this manner.

Very truly yours,

Cellai & DeNauw, LLP

By:


Lauren Perry

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT -
CONTRACT - EQUITABLE RELIEF - OTHER.)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION

No. ESCV 04-1877-A

Falken Industries, Ltd. and Roy Janis....., Plaintiff(s)

v.

Patrick Sautin....., Defendant(s)

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon Carlo Cellai, Esq.
76 Canal Street, Suite 402, Boston, MA 02114
plaintiff's attorney, whose address is _____, an answer to the
complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the
day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the
complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at
36 Federal St., Salem, MA 01970
_____ either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

WITNESS, SUZANNE V DeIVECCHIO, Esquire, at Salem, the
day of _____, in the year of our Lord two thousand


Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

APPLICANT IS AUTHORIZED TO SERVE JUDICIAL PROCESS UNDER THE UNITED STATES FEDERAL RULES OF CIVIL PROCEDURE AND UNDER THE RULES OF CIVIL PROCEDURE OF THE STATE OF: Massachusetts

REQUEST

FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the Service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

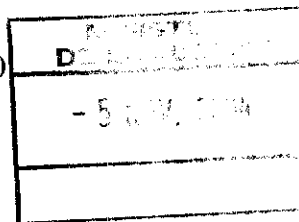
Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

Identity and address of the applicant
Identité et adresse du requérant

Blaise Tumanjong
APS INTERNATIONAL, LTD
APS International Plaza
7800 Glenroy Road
Minneapolis, Minnesota 55439-3122
U.S.A.
Tel. 952.831.7776 Fax: 952.831.8150
Email: BTumanjong@CivilActionGroup.com

Address of receiving authority
Adresse de l'autorité destinataire

MINISTERE DE LA JUSTICE
(Bureau de l'Entraide judiciaire intl)
Paris Cedex 01
75042
France



The undersigned applicant has the honour to transmit -- in duplicate -- the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identity and address)

Le requérant soussigné a l'honneur de faire parvenir -- en double exemplaire -- à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:

(identité et adresse) Patrick Sautin
107 Cours de Vincennes, Paris, France

Tel:

- [] (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
a) selon les formes légales (article 5, alinéa premier, lettre a).
[X] (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): En remettant les documents à un huissier, qui se chargera de les signifier à Patrick Sautin. Le Défendeur ne doit pas avoir l'option de refuser la signification. Un chèque d'un montant de 271.60 francs pour couvrir les honoraires de l'huissier est inclus.
[] (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*.
c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents -- and of the annexes* -- with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte -- et de ses annexes -- avec l'attestation figurant au verso.

List of documents

Énumération des pièces

Complaint and Demand for Jury Trial
Summons
Translations
Summary of the Documents to be Served

Done at
Fait à Minneapolis, Minnesota, U.S.A.

Signature and/or stamp.
Signature et/ou cachet.

(Formerly OBD-116 which was formerly LAA-116,
both of which may still be used)

the 2 2004
le
APS INTERNATIONAL
APS International
7800 Glenroy
Minneapolis

USM-94

(Est. 11/22/77)

* Delete if inappropriate.
Rayer les mentions inutiles

Case Name: Falken Industries, Ltd. v. Sautin
 Defendant: Patrick Sautin
 Court Case No.: ESCV 04-1877-A

**CERTIFICATE
 ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served*

1. que la demande a été exécutée

- the (date)

- le (date)

- at (place, street, number)

- à (localité, rue numéro)

- in one of the following methods authorised by article 5-

- dans une des formes suivantes prévues à l'article 5:

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.

a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ (b) in accordance with the following particular method*:

b) selon la forme particulière suivante:

☐ (c) by delivery to the addressee, who accepted it voluntarily.*

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

- (identity and description of person)

- (identité et qualité de la personne)

- relationship to the addressee (family, business or other):

- liens de parenté, de subordination o autres, avec le destinataire de l'acte:

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

LIST OF DOCUMENTS: Summary of the Documents to be Served, Complaint and Demand for Jury Trial, Summons, Translations

Annexes

Annexes

Documents returned:

Pièces renvoyées:

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

Done at _____, the

Fait à _____, le _____

Signature and/or stamp.

Signature et/ou cachet.

* Delete if inappropriate.
Rayer les mentions inutiles.

SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority:

Nom et adresse de l'autorité requérante: Blaise Tumanjong
APS INTERNATIONAL, LTD
APS International Plaza, 7800 Glenroy Road, Minneapolis, Minnesota 55439-3122, U.S.A.

Particulars of the parties*:

Identité des parties Falken Industries, Ltd. v. Sautin

LIST OF DOCUMENTS: Summary of the Documents to be Served, Complaint and Demand for Jury Trial, Summons, Translations

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte: The purpose of this document is to inform Patrick Sautin,
that a lawsuit has been started against them and that they have been joined as a defendant.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige: Plaintiff's claim against the defendant is for damages and other relief in an amount to be determined as a result of the defendant's breach of fiduciary duty, breach of contract, breach of implied covenant of good faith and fair dealing, fraudulent misrepresentation, malicious prosecution, conspiracy to commit fraud and civil conspiracy.

Date and place for entering appearance:**

Date et lieu de la comparution: Defendant is required to serve upon Plaintiff's Attorney, Carlo Cellai, Esq. 76 Canal Street, Suite 402, Boston, MA 02114 an answer to the attached documents within 20 days after service of the attached documents exclusive of the day of service. Defendant is also required to file and answer to the attached documents with the Clerk of Court at 36 Federal St., Salem, MA 01970, either before service upon the Plaintiff's Attorney or within a reasonable time thereafter.

Court which has given judgment:**

Jurisdiction qui a rendu la décision: N/A

Date of judgment:**

Date de la décision: N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte: Defendant is required to serve upon Plaintiff's Attorney an answer to the attached documents within 20 days after service of the attached documents exclusive of the day of service. Defendant is also required to file and answer to the attached documents with the Clerk of Court at, either before service upon the Plaintiff's Attorney or within a reasonable time thereafter.

Failure to do so may result in the plaintiff(s) taking a default judgment against the defendant for the relief demanded in the Complaint and Demand for Jury Trial.

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte: N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte N/A

* If appropriate, identity and address of the person interested in the transmission of the document.
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

** Delete if inappropriate.
Rayer les mentions inutiles.